



SPECIALIST PROSECUTOR'S OFFICE
ZYRA E PROKURORIT TË SPECIALIZUAR
SPECIJALIZOVANO TUŽILAŠTVO

In: KSC-BC-2020-06
Specialist Prosecutor v. Hashim Thaçi, Kadri Veseli, Rexhep Selimi and Jakup Krasniqi

Before: Trial Panel II
Judge Charles L. Smith, III, Presiding Judge
Judge Christoph Barthe
Judge Guénaél Mettraux
Judge Fergal Gaynor, Reserve Judge

Registrar: Dr Fidelma Donlon

Filing Participant: Specialist Prosecutor's Office

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Public Redacted Version of 'Prosecution reply relating to Rule 154 motion F02752'

Specialist Prosecutor's Office

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1. The Response¹ ignores prior findings of the Panel and the established standard for admissibility of associated exhibits, particularly in the context of Rule 154,² where the witness will be available for cross-examination.
2. In relation to SPOE00203165-00203171, the unredacted parts of the document are relevant and *prima facie* authentic. Defence challenges to the Prosecution's use of this provider-redacted document were previously rejected by the Pre-Trial Judge, when he authorised the redactions under Rule 107.³ In this respect, the parts redacted by the Rule 107 provider concern internal strategy and analysis, do not affect the relevant factual or contextual information available to the Defence, and are not being relied on by the SPO. In turn, there is no prejudice⁴ and the redacted version of the document is admissible⁵ for the reasons given in the Motion.⁶
3. W02183's comments concerning SPOE00203174-00203187 relate to the unredacted parts of the item,⁷ noting that the SPO does not possess a lesser redacted version. Contrary to Defence submissions,⁸ W02183 is well-placed to discuss and provide his opinion [REDACTED].⁹ Further, the objections raised by the Defence¹⁰ are matters to be addressed during cross-examination.

¹ Joint Defence Response to 'Prosecution motion for admission of evidence of Witness W02183 pursuant to Rule 154', KSC-BC-2020-06/F02762, 9 December 2024, Confidential ('Response').

² Rules of Procedure and Evidence Before the Kosovo Specialist Chambers, KSC-BD-03/Rev3/2020, 2 June 2020 ('Rules'). All references to 'Rule' or 'Rules' are to the Rules, unless otherwise specified.

³ Eleventh Decision on Specialist Prosecutor's Request for Protective Measures, KSC-BC-2020-06/F00559, 5 November 2021, Strictly Confidential and *Ex Parte*, paras 437-444. The SPO notes that it does not possess a lesser redacted version of the last two pages of SPOE00203165-00203171.

⁴ *Contra* Response, KSC-BC-2020-06/F02762, para.4.

⁵ This is consistent with prior decisions of this Panel concerning the admissibility of provider-redacted associated exhibits and statements. See Decision on Admission of Evidence of First Twelve SPO Witnesses Pursuant to Rule 154, KSC-BC-2020-06/F01380, 16 March 2023, Confidential, para.95; Decision on Prosecution Motion for Admission of Evidence of W03724, W03832, W03880, W04368, W04566, and W04769 Pursuant to Rule 154, KSC-BC-2020-06/F01700, 24 July 2023, Confidential, para.67.

⁶ Prosecution motion for admission of evidence of Witness W02183 pursuant to Rule 154, KSC-BC-2020-06/F02752, 28 November 2024, Confidential ('Motion').

⁷ 101610-101634 RED, para.47.

⁸ Response, KSC-BC-2020-06/F02762, para.5.

⁹ 101610-101634 RED, para.44. *Contra* Response, KSC-BC-2020-06/F02762, para.5.


¹⁰ Response, KSC-BC-2020-06/F02762, para.5.

4. In relation to SITF00172727-00172735, the standard is met and the item forms an inseparable and indispensable part of W02183's statement¹¹ without which the statement would be less comprehensible and have lesser probative value. Matters such as W02183's involvement in the creation of [REDACTED]¹² can be addressed during cross-examination.

5. For the foregoing reasons and those previously given, the Motion should be granted.

6. This filing is confidential pursuant to Rule 82(4).

Word Count: 475



Kimberly P. West

Specialist Prosecutor

Wednesday, 11 December 2024

At The Hague, the Netherlands.

¹¹ *Contra* Response, KSC-BC-2020-06/F02762, para.6.

¹² Response, KSC-BC-2020-06/F02762, para.6.